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September 6, 2002

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Qwest Communications International, Inc. Colorado/Idaho/Iowa/Nebraska/North  
Dakota, WC Docket No. 02-148; Qwest Communications International, Inc.  
Montana/Utah/Washington/Wyoming, WC Docket No. 02-189

Dear Ms. Dortch:

On September 6, 2002, the undersigned, together with Megan Doberneck and Michael Zulevic of Covad Communications Company (Covad), made an *ex parte* presentation via telephone to Commission staff in the above-referenced dockets. The following Commission staff members were present: Elizabeth Yockus, Rodney McDonald, Pam Megna, Gail Cohen, Marcy Greene, John Stanley, and Jon Minkoff. In addition, the following members of Department of Justice staff were present: Peter Gray, Joyce Hundley, Brianne Kucerik, and Jack Nichols. The purpose of Covad's presentation was twofold: (1) to bring to light an issue recently discovered by Covad, that Covad's troubles reported to Qwest for line shared loops were not being tabulated in the OP-5 metric; and (2) to clarify Covad's "fake SOC" issue. Following is a summary of Covad's presentation.

Covad has recently discovered that the troubles it reports to Qwest for line shared loops are not being tabulated in the OP-5 metric, measuring the percentage of troubles reported within 30 days of installation. Covad tracks and measures its line shared loop troubles internally, which forms the basis for the trouble ticket percentages Covad reports in its filings in the above-referenced dockets.<sup>1</sup> However, due to the nature of the maintenance and repair process Qwest has instituted for line shared loops for as long as line sharing has been implemented in the Qwest territory, Covad's reports of line shared loop troubles to Qwest are not recorded in the OP-5 metric.

Specifically, under the "repair-sharing" process Covad and Qwest have agreed upon and followed since line sharing was implemented in the Qwest territory, Covad reports its troubles to Qwest's central office technicians, who proceed to fix troubles on the line. Qwest, however, only records a trouble report in the OP-5 metric if a formal

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<sup>1</sup> See Covad Reply Comments in WC 02-148 at 15-16; Covad Comments in WC 02-189 at 19; Covad Reply Comments in WC 02-189 at 14.

ILEC trouble ticket is generated. In tabulating the underlying data for the OP-5 metric, developed well after the institution of the now long-standing repair-sharing process, Qwest has never taken account of the fact that troubles were routinely reported to and repaired by Qwest according to the repair-sharing process. Covad has continued to make use of repair-sharing since the development of the OP-5 PID, operating under the assumption that its troubles were being captured in OP-5. Covad preferred the repair-sharing process over the use of Qwest's formal trouble report process because maintenance and repair issues were addressed much more efficiently and rapidly through repair-sharing. It is only recently that Qwest has made clear that the only way Qwest measures trouble percentages in OP-5 and all the maintenance and repairs PIDs is through CLEC submission of a formal ILEC trouble ticket. Qwest tabulates OP-5 data in this manner, notwithstanding the fact that all of the corresponding maintenance and repair PID definitions reference "trouble reports" rather than trouble tickets *per se*. Covad is not alone in experiencing an underreporting of its experienced troubles due to Qwest's application of its maintenance and repair PID definitions. For example, as Eschelon notes in a recent *ex parte*, its reported troubles to Qwest also fail to be captured in the OP-5 metric for similar reasons.<sup>2</sup>

Because of the "disconnect" between OP-5 data measurement and the routine repair-sharing process agreed upon and followed by Covad and Qwest, the relatively high percentage of troubles experienced by Covad on line shared loops have not been captured in Qwest's metrics performance. As soon as Covad discovered the existence of this disconnect between routine repair processes and Qwest's performance measurement, Covad and Qwest have taken measures to try to begin capturing Covad's line shared loop troubles in the OP-5 metric. Specifically, starting September 3, 2002, Covad and Qwest have initiated a trial maintenance and repair process whereby, when Covad discovers a line shared loop trouble in the Qwest central office, Covad will submit a formal trouble ticket to Qwest in addition to following its existing maintenance and repair process. Covad hopes that the new trial process will enable it to experience no less than the same level of performance in line shared loop trouble resolution it experiences currently, while beginning to maintain a record of its troubles in the OP-5 metric. Covad hopes that, if this trial process works as intended, Qwest's September 2002 OP-5 data will begin to reflect Covad's experiences with line shared loop troubles.<sup>3</sup>

In its presentation to Commission staff, Covad also provided some clarification of its contention that Qwest generates "fake" SOC notifications for line shared loops, or SOC notifications sent automatically on the due date contained within the FOC. According to Qwest, the process change implemented in its new line sharing job-aid purportedly addresses Covad's concerns about fake SOC's.<sup>4</sup> According to Qwest, its

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<sup>2</sup> See Eschelon September 4, 2002 *ex parte* letter in WC Docket Nos. 02-148 and 02-189.

<sup>3</sup> Notwithstanding this new trial maintenance and repair process, Covad notes that Qwest continues to be unable to produce the underlying data for the OP-5 metric, rendering a data reconciliation of Qwest and Covad data impossible. Thus, the Commission should continue to view Qwest's OP-5 results with skepticism. See Covad Reply Comments in WC 02-189 at 14-16.

<sup>4</sup> See Qwest August 30, 2002, *ex parte* letter.

technicians will place line sharing orders in jeopardy status if all central office work has not been completed on the order by 4pm, thereby preventing the automatic SOC notice from being sent for incomplete orders. Essentially, this boils down to Covad receiving a SOC notice either (a) automatically on the due date contained within the FOC; or, for orders placed into jeopardy status before the SOC notice is sent (b) when the order is removed from jeopardy status. Unfortunately, this process still leaves Covad with little assurance that when Qwest delivers a SOC notice, Qwest is also delivering a corresponding working line shared loop.

For the numerous reasons Covad has offered in its comments in these proceedings, Qwest's new job aid does too little to ensure that Qwest delivers working line shared loops to Covad.<sup>5</sup> As Covad's continuing experience of troubles on line shared loops demonstrates, Qwest far too often delivers line shared loops with poorly provisioned cross-connects, or no cross-connects at all.<sup>6</sup> In this context, Qwest's placement of line shared loop orders in jeopardy status to prevent an automatic SOC notice from issuing does little to assure Covad that when it does receive a SOC notice, it also receives a working loop. Covad continues to believe that the only way to fix the deficiencies inherent in Qwest's discriminatory line shared loop provisioning process is for Qwest to (1) provide Covad with the same router test Qwest uses to ensure its line shared loops are working properly; and (2) issue the SOC notice only when the router test indicates that the provisioned loop is working properly. Fixing Qwest's line sharing provisioning in this manner is the only way to ensure that competitors receive parity treatment and parity performance in the provision of line shared loops.

The twenty-page limit does not apply as set forth in DA 02-1390 and DA 02-1666.

Respectfully submitted,

/s/ Praveen Goyal

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<sup>5</sup> See, e.g., Covad Reply Comments in WC 02-189 at 16-17.

<sup>6</sup> See *supra* n. 1.